



CITY OF MEMPHIS

COUNCIL AGENDA

July 1, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (June 17, 2008)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

1. **ORDINANCE** to amend the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, as amended, to reinstate Article 27, Section 190, Subsection B thereof, pursuant to the provisions of Article 11 Section 9 of the constitution of the State of Tennessee (Home Rule Amendment) so as to reinstate the Residency Requirement for persons employed solely by the City and to submit the proposed Ordinance to qualified voters of the City of Memphis at the first general State Election to be held November 4, 2008, up for S E C O N D reading.

Flinn

Ordinance No. 5265

ACTION REQUESTED: Adopt the ordinance on Second reading

2. **ORDINANCE** to amend the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879 as amended, pursuant to the provisions of Article 11 Section 9 of the constitution of the State of Tennessee Home Rule Amendments so as to provide for disclosure of certain information by those seeking Elected Office and to submit the proposed Ordinance to the qualified voters of the City of Memphis at the first general State Election to be held on November 4, 2008, up for S E C O N D reading.

Flinn

Ordinance No. 5266

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

3. RESOLUTION accepting FLETCHER CENTRE P.D., PHASE 2 – MEDIAN
MODIFICATION TO HIGHWAY 64 and authorizing release of bond.
Case No. PD 97-322
(Contract No. CR-4836)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on U.S. Highway 64, west of Appling Road. The standard improvement contract was approved on November 4, 2003. Resolution also authorizes the release of the performance bond in the amount of \$34,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION approving final plat of STONEBRIAR P.D., AREA 10, PHASE 7.
Case No. PD 03-335cc

Resolution approves the final plat located on the north side of Stateline Road, east of Riverdale Road. Cost of the required improvements to be borne by the developer. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION accepting THE COLEMAN SUBDIVISION and authorizing release of bond.

Case No. S 05-044
(Contract No. CR-5023)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Union Avenue, south of Monroe Avenue. The standard improvement contract was approved on July 1, 2006. Resolution also authorizes the release of the Letter of Credit in the amount of \$53,100.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION accepting WHITTEN GROVE P.D., PHASE 1 and authorizing release of bond.

Case No. PD 98-354cc
(Contract No. CR-4515)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of the Bartlett City Limits. The standard improvement contract was approved on 12/7/1999. Resolution also authorizes the release of the letter of credit in the amount of \$94,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION accepting BROWN'S MENDENHALL ROAD SUBDIVISION and authorizing release of bond.

Case No. S 96-053
(Contract No. CR-4417)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest side of Mendenhall Road, 250 feet southeast of Burlington-Northern Railroad. The standard improvement contract was approved on April 6, 1999. Resolution also authorizes the release of the Letter of Credit in the amount of \$126,900.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION accepting RALEIGH HEALTH PARK P.D. and authorizing release of bond.

Case No. PD 95-357
(Contract No. CR-4213)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Covington Pike, 136.54 feet north of Battle Creek Drive. The standard improvement contract was approved on May 6, 1997. Resolution also authorizes the release of the performance bond in the amount of \$7,700.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION accepting MEMPHIS INTERNATIONAL AIRPORT CENTER (MIAC) SEWERS, CONTRACT TWO and authorizing release of bond.

(Contract No. CR-3797)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located east of Prescott Boulevard and north of MIAC Drive. The standard improvement contract was approved on February 1, 1994. Resolution also authorizes the release of the performance bond in the amount of \$9,900.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION accepting BARTLETT COMMONS SEWER EXTENSION and authorizing release of bond.

(Contract No. CR-4530)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located in the WN-10 Sewer District. The standard improvement contract was approved on February 1, 2000. Resolution also authorizes the release of the performance bond in the amount of \$57,800.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION accepting MASSEY HILL P.D., PHASE 2 and authorizing release of bond.

Case No. PD 88-326
(Contract No. CR-4242)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on International Place Drive, 200.26 feet south of Quail Hollow Road. The standard improvement contract was approved on July 15, 1997. Resolution also authorizes the release of the cashier's check in the amount of \$10,000.00.

of

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION accepting THE ORCHARDS AT KIRBY PARKWAY EAST P.D., PHASE 2 and authorizing release of bond.

Case No. PD 02-364
(Contract No. CR-4975)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Shillingford Drive, north of Stornaway. The standard improvement contract was approved on September 20, 2005. Resolution also authorizes the release of the Letter Credit in the amount of \$38,300.00.

of

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION approving final plat of COVINGTON PIKE BUSINESS CENTER SUBDIVISION.

Case No. S 07-047

Resolution approves the final plat located on the southeast side of Covington Pike, south of Elmore Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION approving final plat of MALLORY DESOTO P.D., PHASE 1.

Case No. PD 95-362

Resolution approves the final plat located south of Blue Bonnet Road, east of Swinnea Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION approving final plat of RIVIANA FOODS DRAINAGE IMPROVEMENTS.

Contract No. CR-5111

Resolution approves the engineering plans located at the corner of Bodley Street and McMillan Street. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

16. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

- A. Case No. PD 08-310cc – The Offices of Southwind P.D., Amended

Located on the east side of Southwind Park Cove; +/-182.82 feet north of Winchester Road, containing 0.99 acre in an area currently governed by Offices of Southwind Planned Development (P.D. 02-354cc)

Applicant: C & K Property Management, LLC

Prime Development Group - Representative

Request: Planned development amendment to allow a music or dancing academy and beauty shop in Parcel 5 of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. SUP 07-215

Located on the north side of E.H. Crump Boulevard; +138 feet west of S. Third Street (180-182 South Crump), containing 1.01 acres in the SCBID Gateway Commercial District

Applicant: Willie Nelson
Tim McCaskill – Representative

Request: Hotel

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: July 15, 2008



CITY OF MEMPHIS

COUNCIL AGENDA

July 1, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

MLGW FISCAL CONSENT

17. RESOLUTION approving the selection of NEPC, LLC, as investment management consultant for benefit of the MLGW Retirement and Pension Fund, in the amount of \$249,000.00 plus travel, under Contract No. 11295. (Held from 6/17)
18. RESOLUTION awarding Contract No. 11280, Aerial Patrol of Gas Transmission Right-of-Way, to Tennessee Helicopter, Inc. in the funded amount of \$30,660.00.
19. RESOLUTION approving Change No. 6 to Contract No. 10924, Professional Investigating Services, with CDA, Incorporated in the funded amount of \$44,000.00. (This extends the current contract for a 60-day period, August 1, 2008 to September 30, 2008.)
20. RESOLUTION approving Change No. 3 to Contract No. 11040, Surveying Services, with Ollar Surveying Company in the funded amount of \$256,534.00. (This renews the contract for a third renewal term, July 19, 2008 to July 18, 2009, with an 11% increase of the previous award amount.)
21. RESOLUTION approving Change No. 2 to Contract No. 11105, Aerator Maintenance, with R. P. Services in the funded amount of \$211,563.45. (This renews the contract for a second renewal term, August 1, 2008 to July 31, 2009.) (Jozelle Booker)
22. RESOLUTION approving Change No. 2 to Contract No. 11191, Television Production and Broadcast Services, with Media Source in the funded amount of \$38,685.00. (This renews the contract for the first renewal term, July 15, 2008 to July 14, 2009.)
23. RESOLUTION awarding contract for three-phase switchgear to HD Supply Utilities, LTD in the amount of \$29,508.90.
24. RESOLUTION awarding contract for one waste grinder to Vecoplan, LLC in the amount of \$59,950.00.
25. RESOLUTION awarding contract for one plasma cutting system to Machinery Sales Company, Inc. in the amount of \$57,000.00.

26. RESOLUTION requesting authorization to reimburse the City of Memphis for unleaded and diesel fuel purchased from July 1, 2008 through September 1, 2008, until a new joint fuel supplier contract for MLGW and the City of Memphis is executed, in an amount not to exceed \$1,500,000.00.
27. RESOLUTION approving a salary in the amount of \$90,979.20 annually for the position of Attorney, Level III.
28. RESOLUTION approving a salary in the amount of \$160,000.00 annually for the position of General Counsel.
29. RESOLUTION giving contract authority to MLGW's General Counsel for claims settlement(s).



CITY OF MEMPHIS

COUNCIL AGENDA

July 1, 2008

Public Session, Tuesday, 3:30p.m.

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

REGULAR AGENDA

30.
Flinn

APPOINTMENTS

Memphis Light, Gas & Water Commission

Appointments

Henry L. Brenner
Dedrick Brittenum, Jr.

Memphis & Shelby County Ground Water Quality Control Board

Appointment

David M. St. John

Memphis & Shelby County Parking Authority

Appointment

Cathy Simmons (joint appointment)

Memphis Public Library & Information Center Board

Appointments

Debbie McElroy-Clark
Sean Jermaine Upshaw
David Williams

Solid Waste Planning Region Board

Appointment

Dwan L. Gilliom

GENERAL ORDINANCE– THIRD AND FINAL READING (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

31. RESOLUTION approving the proposed management agreement between the City of Memphis Park Services and SMG for the operation and management of the Liberty Bowl Memorial Stadium and certain areas and facilities currently known as the Fairgrounds, for a term of one year with two automatic one-year renewals.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

32. RESOLUTION approving persons employed with the City's Division of Police Services after the date of this Resolution, are hereby exempted from the residency provisions of the Memphis City Charter and are hereby allowed to reside within twenty (20) miles of the county line of Shelby County, Tennessee; and provided each non-resident so employed agrees to pay an annual fee of \$1,200.00 to be deducted by payroll on a monthly basis, for as long as each person resides outside of the City and for as long as each such person is so employed by the City. (Held from 6/17)

Flinn

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES

33. RESOLUTION accepting \$50,500.00 from State and Federal funds to purchase books and materials for Memphis Public Library Services.

Brown

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION appropriating \$65,000.00 to replace a boiler located at Memphis and Shelby County Health Department at 814 Jefferson.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS (None)

ZONING ORDINANCE – THIRD AND FINAL READING (None)

DIVISION OF PLANNING & DEVELOPMENT

35. RESOLUTION approving a hotel waiver for Royal Inn & Suites located at 3685 American Way. (Held from 5/20; 6/17)

Lowery

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION supporting the Preserve America Resolution for Victorian Village Inc.

Collins

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION approving a hotel waiver for Hyatt Place located at 7902 Giacosa Place.

Lowery

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

38. RESOLUTION approving a planned development located on the northeast corner of N. Watkins Street and N. Thomas Street (U.S. Hwy 51) containing 4.14 acres in the Local Commercial (C-L) District. (Held from 5/6)

Lowery

Case No. PD 08-308

Applicant: Oakley Transport, Inc.
Fisher & Arnold, Inc./Burch-Porter-Johnson, PLLC -
Representative

for Request: Planned development to allow a washing and sanitizing facility
tractor tanker trucks, including an expansion for four (4)
additional wash bays

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: Hold for Thirty (30) Days

14 NOTICES MAILED ON APRIL 25, 2008

39. RESOLUTION approving a planned development located on the west side of N. Fourth Street; +/-74 feet north of Jefferson.

Lowery

Case No. PD 08-311

Avenue, containing 0.20 acre (8,712 sq. ft.) in the one-story building in the Central Business (CBD) District

Applicant: Skiff Mountain Partners LLC
Hugh Fraser – Representative

Request: Planned development to re-use an existing building for a medical device manufacturing establishment

LUCB and OPD recommendation: APPROVAL, with conditions

42 NOTICES MAILED ON JUNE 20, 2008

PRESENTATIONS AND RECOGNITION OF VISITORS

40. RESOLUTION recognizing SFI of Tennessee, primary supplier of steel components for Mine Resistant Ambush Protected (MRAP) vehicles which are used in Iraq and Afghanistan to protect our fighting forces against IED's (Improvised Explosive Device) and roadside bombs. (Held from 6/17)

Collins

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION honoring Joe Birch's 30th Anniversary with WMCTV 5.

Lowery

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 15 – Approved
16. Public Hearing Set for July 15, 2008
17. Back to MLGW's Pension Board Committee
18. Through 26 – Approved
27. & 28 – Held until July 15, 2008
29. Through 30 – Approved. Henry L. Brenner's name was Withdrawn from the Appointment List
31. Approved, as amended
32. Held until July 15, 2008
33. & 34 – Approved
35. Approved, as amended
36. Approved
37. Held until July 15, 2008
38. Dropped
39. Through 41 - Approved

ACTION TAKEN ON THE MINUTES OF JUNE 17, 2008 MEETING

Approved

ACTION TAKEN ON THE MINUTES OF ITEMS #26, #29, #30- Dedrick Brittenum, Jr.'s Appointment & #31, FROM TONIGHT'S MEETING

Approved